

February 10, 2015

Meeting Opened: 7:30 P.M.
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst;
Richard Beauregard; Mona Bissany

Others Present: Atty. Jay Peabody, Richard Mandile, Timothy Wenger, Al Marhama
Islamic Cemetery, Atty. Gerald Blair & Ralph Penny, Penny
Engineering, representing Cook Family & Keating Family, (direct
abutters), Town Residents – Public Hearing Al Marhama Islamic Burial
Service

MOTION: made by Richard Bringhurst that the Board of Health approve the minutes of the
January 13, 2015 meeting as amended. Seconded by Mona Bissany. VOTE: 5-0-0
UNANIMOUS.

Public Hearing – Al Marhama Islamic Burial Service:

MOTION: made by William Morris to open the public hearing regarding Al Marhama Islamic
Burial Service: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye;
Richard Beauregard – aye, William Morris – aye 7:35 PM.

William Morris said that the purpose of tonight's hearing is to obtain information and input from
the applicant and public regarding the proposed cemetery. Mr. Morris asked that all comments
or questions are directed to the Board of Health. Mr. Morris said that no ruling will be made at
tonight's hearing and that all information presented will be taken under advisement. On behalf
of Al Marhama Islamic Burial Service, Attorney Jay Peabody, addressed the Board of Health
stating that as required under MGL Chapter 14 – Cemeteries and Burials – Section 34, tonight's
hearing was requested by the Islamic Society of Boston. Mr. Peabody made a brief overview of
the proposed cemetery located on 2.89 acres at the corner of Boston Providence Highway and
Fox Hill Drive. Mr. Peabody said that the cemetery will have 3,300 "green" burial plots, (no
embalming or casket used) a 2,600 square foot office building/equipment garage and associated
parking (7 spaces). Mr. Peabody reviewed with the Board his letter to them, dated February 10,
2015, addressing concerns voiced at the last Planning Board meeting regarding whether human
remains may be considered "hazardous material" under the Town of Walpole By-laws, and what
is considered an "infectious disease" as defined under Massachusetts Code 105CMR 172.000.
Mr. Peabody said that his client's response regarding the concerns about infectious disease is that
alternative arrangements would be made in such cases and the body interned elsewhere. Mr.
Peabody said that an Order of Conditions has been approved by the Conservation Commission
for the plan and that they are meeting with the Planning Board again February 18, 2015. Civil
Engineer, Rich Mandile, Sage Environmental, said that test pits and "soil modeling" for seasonal
ground water levels were done on the site in June (perc tests Health Dept.) and December 2014
with Weston & Sampson Engineering (contracted by the Walpole Water Sewer Commission)
and that ground water was found around 13 feet. Mr. Mandile said that Sage Environmental has
not yet submitted a report to the town for review. Design Engineer, Tim Wenger, discussed with
the Board the general layout of the cemetery, proposed buildings and landscaping, number of
burial plots and burial depth (3 feet below grade) and that the overall appearance of the cemetery
will be park like (no plot markers/headstones).

- William Morris – said that there must be something in place to determine what would be considered a hazardous burial because people who die from infectious disease are buried in other cemeteries. It is the intent of the Board of Health to protect the health of the residents of Walpole and that the question is what would mitigate adverse health effects and what the risk assessment is in relation to the town's water resource protection area.
- Carol Johnson – said that she has read that trees are beneficial to cemetery areas because they help absorb any toxins that may be present in the soil and questioned why more trees and plantings are not included on the plan.
- Attorney Gerald Blair– addressed the Board on behalf of his clients the Cook and Keating Families. Mr. Blair submitted to the Board environmental studies done on Mr. Cook's property, 2222 Boston Providence Highway, by Penny Engineering, containing soil and ground water information and monitoring well logs, as well as information recorded by the Walpole Water Dept. (1/13/15) regarding ground water levels for the same address. Mr. Blair also submitted a World Health Organization Study (WHO, 1998) "The Impact of Cemeteries on the Environment and Public Health" and a Town of Walpole Aquifer Map - Water Resource Protection Overlay District Area 3. Mr. Blair stated that based on the information his clients have obtained regarding soils and ground water in the area and the potential for human pathogens to leach into the ground and the cemetery's close proximity to Water Resource Protection Overlay District Area 3 it is not a good location for a cemetery and that protecting the town's aquifer and private wells in the area is paramount. Mr. Blair said that the purpose of the town's Zoning By-laws - Section 12 is "To protect, preserve and maintain the existing and potential groundwater supply within the known aquifers of the Town" and reiterated the concern about allowing a cemetery in the area.
- Tim Hempton – 47 Christina Drive asked when the ground water testing was done to determine the water table, how would cause of death listed on the death certificate be verified considering HIPAA laws, what the actual burial depth is, concerns about contamination of the town's aquifer from the proposed cemetery.
- Ralph Penny, Penny Engineering said that the application submitted to Kermit Studley, DEP, for review was incomplete and failed to include that the cemetery is within the town's Water Resource Protection Overlay District and that DEP approval was given based on the fact that the site is outside Zone II of the town's wells. Mr. Penny also said that the DEP only considered in their review public water supplies and not private wells or soil conditions (sand/gravel) in the area.
- Kathy Melish – said that the town's water supply should be protected with zero risk to the general public. There is no way to be sure what may contaminate the soils and ultimately the town's aquifer and that the request should be denied. The matter should not waste time at Town Meeting.
- Arthur Cook – said that he is concerned about the private and public wells in the area and the potential for possible contamination. Mr. Cook submitted to the Board plans of his property indicating where ground water test pits were dug and that the results indicated ground water levels on his property (abutting) on average to be 5 - 6 feet. Mr. Cook also said that the WHO report recommends an 820 foot buffer from cemeteries and any working well.
- Bill Hamilton – said that Zone II encompasses Water Resource Protection Overlay Districts 1, 2, and 3 which are important recharge areas for the School Meadow Brook Well and that the area must be protected and asked the Board not to approve the plan.

- Mike Doyle – said that as a licensed embalmer in Massachusetts his profession handles each body as toxic material because there is no way of knowing how long an infectious disease remains viable in a body after a person dies or for that matter remain in the soil after burial. Mr. Doyle said he is concerned that a cemetery is even being proposed so close to the town's aquifer.
- John Kobey – said that he has property in the area of the proposed cemetery and he has to run sub pumps in his basement constantly due to high ground water.
- Wayne Sacchetti – questioned the calculation for the number of plots indicated on the plan and the size of each plot in relation to the size of the property and said the numbers don't add up.

William Morris said that the public hearing will remain open in order for the applicant to provide the Board of Health information addressing matters discussed here tonight. They are:

- 1.) Sage Environmental's Report and calculated ground water levels for the site.
- 2.) Clear screening protocols that prevent the internment of a body with an infectious disease.
- 3.) A copy of the application submitted to the Department of Environmental Protection (DEP).
- 4.) A site plan that includes burial plot calculations; addresses the 100 foot buffer encroachment; indicates the required 825 foot setback from any drinking well.
- 5.) A plan to increase the number of trees within the cemetery.

Mr. Morris thanked everyone for their input at tonight's public hearing and said the hearing is continued until the Board of Health's March 10th meeting.

Request for Determination – 1005 Boston Providence Highway:

The Board of Health made no comment, decision previously made by the Conservation Commission at their January 28, 2015 meeting.

Special Permit Application – 134 Common Street:

The Board of Health made no comment, decision previously made by the Zoning Board of Appeals at their February 4, 2015 meeting.

Special Permit Application – 346-348 Washington Street:

Documents/Exhibits – Special Permit (on file Zoning Board of Appeals); Deputy Health agent's summary.

The Board of Health reviewed for comment the Special Permit Application to allow a residential beauty salon at 346-348 Washington Street.

MOTION: made by Mona Bissany that the Board of Health's comment to the Zoning Board of Appeals regarding the Special Permit Application 346-348 Washington Street is that the Board has no specific concerns at this time. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Land Disturbance Permit – 985 & 995 Old Post Road:

Documents/Exhibits – Land Disturbance Permit (on file Conservation Commission); Deputy Health agent's summary.

The Board of Health reviewed for comment the Land Disturbance Permit to construct two commercial buildings with associated parking and utilities at 985 & 995 Old Post Road.

MOTION: made by Carol Johnson that the Board of Health's comments to the Conservation Commission regarding the Land Disturbance Permit – 985 & 995 Old Post Road is to reiterate comments previously made to the Planning Board that sidewalks are included on the plan. Also, that the existing cesspool is abandoned as required under Title V Regulations and the appropriate notification of completion filed with the Health Department. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – 102 Norfolk Street:

The Board of Health made no comment, decision previously made by the Conservation Commission at their January 28, 2015 meeting.

New Business:

Tobacco Sales Compliance Check:

The Health Director informed the Board of Health that no tobacco sales violations occurred during the January 19, 2015 compliance check. All 21 licensed establishment were in compliance.

Correspondence:

Walpole Police Department & Coalition Alcohol & Drug Awareness Commendation – Walmart Pharmacist

MOTION: made by William Morris to adjourn. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Meeting Closed 10:00 PM

CLERK